

Meridian City Council Special Meeting

September 29, 2020.

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, September 29, 2020, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglund and Liz Strader.

Also present: Chris Johnson, Bill Nary, Joe Dodson, Warren Stewart, Steve Siddoway, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE:

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglund	☒ Treg Bernt
☒ Jessica Perreault	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, I will call this meeting to order. For the record it's Tuesday, September 29, 2020, at 6:03 p.m. We will begin tonight's meeting with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as presented.

Hoaglund: Second the motion.

Simison: I have a motion and a second to adopt the agenda as presented. Any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the September 15, 2020 City Council Regular Meeting**
- 2. Victory Commons Water Main Easement**

- 3. Hill's Century Farm Commercial Partial Release of Water Main Easement**
- 4. Agreement between the City of Meridian and Norm Cook and Eddy Bollinger (Owners) with Boll Cook Investments, LLC (Developer), Located at 2800 W. Jasmine Ln. and 14120 W. Jasmine Ln. for Delano Subdivision (H-2019-0027)**
- 5. Approval of Water Meter and Equipment Purchase Order to Ferguson Enterprises for the Not-to-Exceed Amount of \$1,320,050.00**
- 6. Award of Agreement Renewal for "Utility Billing Customer Services" to Billing Document Specialists for the Not-To-Exceed Approved Budget Amount of \$346,100.00**
- 7. AP Invoices for Payment - 09-16-20 - \$2,268,514.99**
- 8. AP Invoices for Payment - 09/30/20 - \$978,974.42**

Simison: Next Item is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve the Consent Agenda, for the Mayor to sign and for the Clerk to attest.

Hoaglund: Second the motion.

Simison: I have a motion and second to approve the Consent Agenda. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items moved from the Consent Agenda.

RESOLUTIONS [Action Item]

- 9. Resolution 20-2231: A Resolution of the Mayor and the City Council of the City of Meridian Reappointing Brian Fitzgerald to the Meridian Historical Preservation Commission; Isabel Kau to the Meridian Solid Waste Commission; and Joseph Leckie to the Meridian Transportation**

Commission

Simison: So, we will move to Item No. 9, resolution, and under that we have Resolution 20-2231. Council, this is a resolution reappointing some of our outstanding young members of our commissions. These were people that were on last year and are going to -- we are moving them forward to continue for another year. You may have seen a press release that went out for additional appointments, but we will make those as soon as we have final candidates, but we want to keep our commissions as full as we can, so we want to bring these forward this evening. So, I would be happy to take any questions or comments, otherwise, have a motion.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Resolution 20-2231, the resolution to appoint Brian Fitzgerald -- or reappoint Brian Fitzgerald to the Meridian Historical Preservation Commission, Isabel Kau to the Meridian Solid Waste Commission, and Joseph Leckie to the Meridian Transportation Commission.

Hoaglund: Second the motion.

Simison: I have a motion to approve Resolution 20-2231. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Simison: Isabel, would you like to say anything about your reappointment at this point in time? You don't have to, but only if you would like to. If you want to come up so they can pick you up.

Kau: I just wanted to say thank you for another appointment and I'm excited for this next year.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to say, Isabel, thank you so much for your service so far on the Solid Waste Commission and what an asset you are to have on that commission. So, thanks.

ACTION ITEMS

- 10. Public Hearing for Firenze Plaza (TECC-2020-0002) by LC Development, Located at the northwest corner of S. Eagle Rd. and E. Amity Rd. Request: 18-month Time Extension on the commercial**

preliminary plat in order to obtain the City Engineer's signature on a final plat.

Simison: All right. And you are welcome to stay for the rest of the meeting if you would like or not. Moving on under Action Items, Item 10 is a public hearing Firenze Plaza, TECC-2020-0002. I will go ahead and open this public hearing with staff comments and turn it over to Mr. Dodson.

Dodson: Thank you, Mr. Mayor. Appreciate being here tonight. As noted, Item No. 10 is for the Firenze Plaza time extension. It is a site that consists of 15.92 acres of land, currently zoned C-C, and is located at the northwest corner of East Amity and South Eagle. Just pull up -- share my presentation for you guys. Haven't done it from my office yet. Oh, boy. Something's happening. There we go. The adjacent land uses to this site are residential in all directions that directly adjacent -- that are directly abutting the site. To the south is county zoned RUT land that is also residential, with some ag uses, as is apparent on the aerial photo. The Comprehensive Plan designation is a mixed use community. There is a history of different applications here. It was annexed in 2016 with a comp plan map amendment -- amendment and the preliminary plat and a recorded development agreement. There was a CZC approved in 2017 that has now expired. A time extension done in 2019 and the final plat was also done in 2019. The summary of their request before you is the preliminary plat -- the time extension. This project was approved by City Council on February 7th, 2016, and was valid for two years prior to the expiration date. An administrative time extension was requested and approved by the director on March 22nd, 2019, which granted an 18 month time extension until August 2020 in order to obtain the city engineer's -- or signature on the final plat that was approved by City Council on July 2019. The reason for the previous time extension was due to an increase in construction cost, coordination with ACHD, and an overall labor shortage, both in the construction industry and in employment for the new Albertson's store according to the submitted narrative in 2019. Prior to expiration of the previous time extension the applicant submitted a request for this subsequent time extension. The reasons for this latest request per the applicant's narrative are the same as the previous ones listed. Since the preliminary plat, final plat, and previous time extension were approved, there -- there have not been any city code changes that would necessitate new conditions being placed on the plat. The only change in relation to this plat is the design of the intersection at Eagle and Amity. The applicant should continue working closely with ACHD on the latest construction plans, which are currently at 99 percent completion for the planned roundabout to ensure minimal changes to the plat. These plans are now out to bid by ACHD and they are moving forward with their proposed design. One of the relevant changes in the roundabout's design is a ten foot attached -- a ten foot attached sidewalk, rather than a ten foot detached sidewalk as approved with the final plat. This change requires the landscape buffer to be measured from the back of sidewalk, rather than from back of curb as required by code. The applicant may need to add additional land area to fully comply with the landscape buffer requirements or request alternative compliance with the new CZC application to reduce this buffer. Regardless, the applicant will be required to construct the landscape buffers along Amity and Eagle and all other associated frontage improvements with phase one as required with the final plat and

recorded DA. The existing development agreement between the applicant and the city allows one right-in and right-out access to Amity Road and one to Eagle Road from the commercial portion of the property. ACHD has also approved these accesses previously, but with the CZC and not the plat. The CZC has since expired as noted. Although the DA allows the two accesses, ACHD has the authority to reevaluate the access to the expired CZC. The latest design affects driveway locations from the subject site and ACHD will evaluate the driveway locations during the review of the new CZC application. In addition, with a preliminary plat approval in 2016, ACHD requires that the applicant enter into a cooperative development agreement with ACHD for the widening of the roundabout at Eagle and Amity and the widening of Eagle Road. According to ACHD the applicant could not commit to constructing the improvements and provided a time frame for the development. These were the determining factors as to why the agreement was terminated in 2019. It is also important to note that the building division still allows the applicant -- still shows the applicant having active building permits for this project. The applicant will be required to submit for a new CZC and design review approval, including site and landscape plans, to the city before commencing with construction as required with the zoning plat. Approval of the subject time extension will allow the applicant to work with ACHD on any relevant changes with the roundabout design and obtain the city engineer's signature on the final plat and proceed with development of the property. ACHD and city staff are not recommending any new plat conditions of approval to be incorporated with this project. However, the applicant is required to comply with all previous conditions of approval approved with the development of the subject property, including a requirement to obtain -- obtain new CZC and design re-approvals prior to any construction. Staff would like to note -- like to note that time extensions are only required to comply with current code and not ACHD requirements. Staff recommends approval of the time extension application with no additional conditions of approval for an 18 month -- 18 month time extension as requested by the applicant and I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff at this time?

Strader: Mr. Mayor, I have a question.

Simison: Council Woman Strader.

Strader: Thank you very much, Joe. Just maybe two questions and more background information for me. Are there laws or other ordinances and regulations that make it so that the applicant will need to work with ACHD and comply independently with their intentions regarding the intersection is my first question and my second question is just generally with these time extensions I'm assuming that if we extend the time that they still have to now comply with whatever our updated requirements are at the time that we extend; is that correct?

Dodson: Thank you, Council Woman Strader, Members of the Council. So, I will answer your second one first, because it's a little simpler. That no code has changed since the preliminary plat and final plat were approved, so this time extension application and my

staff report would have been the time to recommend any additional conditions. So, as of right now, no, there will not be any new conditions. They will just have to meet what was previously approved. Your first question they -- in our CZCs and our code in general we afford ourselves the opportunity to -- I should say afford the applicant the opportunity to resubmit any site plans that might change if ACHD widens a road later or ACHD decides to do anything with -- in their right of way. It is my understanding that they will not need any new right of way, so there shouldn't be much change to the site plan that was already approved with the previous preliminary plat, final plat, and the old CZC. Unfortunately, CZCs do not have time extensions, so they will have to reapply for a new one and if the ACHD new design has changed anything that's where we will catch it and that's why we offer ourselves -- we give ourselves that power in the CZC to say, hey, if ACHD changes this, then, you have to resubmit these plans to us.

Strader: Thank you. Perfect.

Dodson: You're welcome.

Simison: Council, while we are on this slide, just so you are aware, this is a new slide that's being implemented by the planning staff and these development applications that shows the road improvements for the new school there, so it's numbered, so, yes, the road improvements are being done by ACHD, as well as other development activity and where it is in this process to have a larger picture about what's occurring in this area.

Borton: Fantastic.

Dodson: If you guys have any recommendations or questions regarding that feel free to ask me. I'm the one that was tasked with making it, so shoot me an e-mail anytime.

Simison: Any additional questions for Joe at this time from Council? Okay. Thank you very much. I do see the applicant's representative is on the line and ready to go, so Mrs. Thompson will be recognized for 15 minutes and state your name and address for the record.

Thompson: Thank you, Mr. Mayor. Tamara Thompson, I'm with The Land Group and I'm representing this time extension. I do have a short PowerPoint, just like three or four slides, if that's okay, if I can -- can share my screen. Okay. Are you guys seeing my screen? Okay. Just real quickly, this is the Firenza Plaza Subdivision. The parcel consists of one 15.92 acre parcel, which is zoned C-C in Meridian. Here is the layout. The pre-plat consists of 14 commercial lots, which breaks down to 11 building lots, two common lots and, then, one large lot, which ends up being the public right-of-way for ACHD. We are requesting an 18 month time extension and part of that is Albertson's had the opportunity to develop a flagship location in the Meridian Crossroads Mall after obtaining approval for this and it required immediate action and a significant investment. So, the resources were pulled away for that project. Currently we have permits for -- that are available at the building department, although we do need to go back and reactivate this in the design review before we can pull those permits, but they are ready to go with

the city building department and we anticipate being able to start construction the first quarter of next year in 2021. This is dependent on getting through the CZC. To Council Woman Strader's -- Strader's question, there is some checks and balance for ACHD other than the CZC and that is that ACHD does sign the final plat. That goes to them for their review. We will look at that if that needs reactivated. And with that I will stand for questions.

Simison: Tamara, just so you know, we kind of lost everything you said after ACHD signing the final plat. If you can restate if you had anything of substance in this last portion.

Thompson: Okay. Sorry about that. We are working on our CZC application and we will submit that next week. The building permits are ready at the Meridian Building Department, but we do need the CZC to be reactivated because of that time line. But we will be back next year, which is 2021. But with that I -- we request your approval tonight and I will stand for questions.

Simison: Thank you. Council, any questions for the applicant? Okay. Thank you very much. We do have some people here in the audience. I don't know if anyone signed up to testify.

Johnson: Only the applicant has, the people here may --

Simison: If anyone would like to testify on this -- this public hearing -- if anyone would like to testify on this item I would ask you to come forward and state your name and address for the record and be recognized for up to three minutes. Do we have anybody in the room?

Maus: My name is Carmen Maus. M-a-u-s. I live at 2682 East Mt. Etna Drive in Tuscany Subdivision and the reason I'm here is I did attend all those meetings to get approval early on -- almost -- well, six and a half years ago and I just would like to say I know that they are asking for an extension, but when you get to that time period again will there be another extension? We have more than a thousand new people living in our area as you all know on the corners of Amity and Eagle. We have Century Farms, we have Tuscany, we have others in the surrounding area. Hillsdale. All that. So, I'm just saying there was such a rush by everyone to get that Firenza Plaza promoted early on and now it's continued and I know -- I understand money. I understand that the marketplace was expensive. It was a deep investment into the community. But we have no service stations, we have no grocery stores -- we have a drug store. That's what we have to service everybody in that area. Now, if we need to go to the grocery store, to the marketplace, it's about four to five miles. If we go to the other Albertson's it's about four miles. If we go to Meridian it's even farther. So, I'm just saying -- not that I'm trying -- would want to be an obstacle, I'm just saying they were in a hurry, we are now asking for some due justice in having some commodities available to us. That's all we are asking for and done in a nice way.

Simison: Council, any questions?

Cavener: No questions. Appreciate the testimony.

Simison: Is there anybody else that would like to testify on this item? Please come forward and state your name and address. If there is anybody on the Zoom call that would like to testify, please, indicate by using the raise your hand feature, so we can bring you in and have you testify as well.

Martinez: My name is -- my name is Mario Martinez. I live at 2251 Grayson Street. My wife has lived here for 12 years or so and I just moved into the area and we bought a new house. So, I guess my question would be, first, in regards to the roundabout, it gets rather congested, obviously, during high traffic times. With the new construction going in for the store and everything is that -- has there been studies done as far as traffic for the roundabout? Is that the best option or is a traffic light more in need. As the grocery store comes there is going to be more people, but just curious as to that. And, then, my second question. Has there been a light pollution study done. It is a rather quiet neighborhood and, then, we like the way it is now, so I just was curious is there -- has there been a light pollution study done.

Simison: Okay.

Martinez: Thank you.

Simison: And if Council has any question we will have -- we can have either Tamara -- we will wait until she comes up. But, Council, anybody would like to answer -- Joe, do you have any comments on those questions? I could speak to the roundabout, but I want other people to go first.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: So, to answer the gentleman's question regarding the -- the light pollution study, that specifically is not being done, but when they do the CZC they have to submit photometric plans that show and prove that there is no light trespassing. In addition, we have our standard code that requires all of the lights, as long as they are not street lights, public street lights, to be down lit. So, there should be no light pollution. So, I hope that helps the gentlemen feel better about that.

Simison: Joe, do you feel like you are in a position to talk about what ACHD is looking at in terms of the changes with the roundabout or would you like me to talk about those?

Dodson: Mr. Mayor, I -- I am in a way, but I would prefer not to, just because the -- the time extension is sort of -- is unrelated, but just wanted to make sure that we -- we stick to the script on that one.

Simison: Okay. Yeah. I can't answer if a traffic -- if a traffic study has been done by the applicant, but ACHD has proposed at least a slip lane at that roundabout, so there is two lanes in and they put in a slip lane for traffic to go west on Amity from Eagle Road. Anything I say about the wideness of the roundabout would be personal opinion, so I will take that from that standpoint. But we do have Justin Lucas from ACHD on as well if he has anything he would like to add as far as a traffic study analysis with regard to the individual's question.

Lucas: Mr. Mayor, I'm here if you can hear me?

Simison: Yes, we can. Thanks, Justin.

Lucas: Yeah. Glad to respond and add what I'm able to. When the -- you know, a roundabout has always been anticipated at this intersection, including within the traffic study performed by the applicant during the original approval of the Albertson's store and subsequent traffic analysis that ACHD has done as we have designed that roundabout, because the applicant was unable to do so. So, the short answer is, yes, traffic analysis has been done. Traffic analysis is what created the decision related to that slip lane that you mentioned and ACHD -- you know, there is a roundabout there now and we are confident that a roundabout is a safe and proper solution for that intersection. Thank you.

Simison: Thank you, Justin. Do we have anyone that raised their hand to testify?

Johnson: Not yet -- oh, we do have one.

Simison: Okay.

Johnson: Ann Burke, I'm bringing you in so you will be able to speak.

Simison: Ann, if you would state your name and address for the record, please. You will need to unmute your mic. If you can state your name and address for the record -- you are good to go now. We can hear you. But state your name and address for the record and you can start.

Burke: My name is Ann Burke and I live at 4686 South Stromboli Place in Tuscany, which is Meridian. 83642. We live right off of Montague Drive. My question is is the hold up with Albertson's that they are changing the design of the store to be more of a marketplace and that is why part of this is changing as far as the extension?

Simison: Ann, we will have to have the applicant answer that when they come back up and can provide that information.

Burke: Okay.

Simison: Did you have any other questions or -- at this time?

Burke: No, I don't.

Simison: Okay.

Burke: Thank you.

Simison: Council, any questions? Thank you. Has anyone else raised their hand to testify at this time?

Johnson: Mr. Mayor, there is one additional person. They had not put their hand up.

Simison: Okay. Well, with that, then, I will go ahead and ask the applicant for any final remarks at this time.

Thompson: Thank you, Mr. Mayor. Again, Tamara Thompson with The Land Group. I'm not sure if I gave my address earlier. It's 462 East Shore Drive in Eagle. I did have -- I wrote down some comments here, so I will try to address all of them. As far as the timeline, we were approved in 2017, so not six years ago as was mentioned. It's been a little over three years. The -- the CZC that we will be submitting includes both a grocery store and a service station and the store is a new prototype and it has elements of the marketplace, but not -- not as -- as -- it's a little bit smaller. But it does have elements of a -- of a marketplace. But this one is a new prototype for this -- for this area. So, it's kind of exciting that they are -- the newest and greatest is going in Meridian. As far as the traffic studies that -- Justin, thank you for answering that. We -- we did do a traffic study and the roundabout has always been part of that study. And, then, as far as light pollution, we have an approved photometric plan that we submitted recently and we will be resubmitting that again with the CZC. But like Joe said, we have -- approved those code guidelines. The -- let's see. I think that may be everything that I -- that was asked. Let me know if I missed something. And, otherwise, again, we respectfully request your approval of the time extension and I'm available for any other questions you may have.

Simison: Thank you. Council, any additional questions for the applicant?

Strader: Mr. Mayor, a quick one.

Simison: Council Woman Strader.

Strader: Thanks, Tamara. I was just curious -- I mean the folks in this area are pretty desperate to get a grocery store. Could you clarify if this is a build to suit specifically for Albertson's or if for some reason the time frame were to change is it possible that another grocer would come before us as a possible tenant later down the road?

Thompson: Mr. Mayor, Council Woman Strader, this property is owned by Albertson's and they have every intention of --

Strader: Great. Thank you. So, folks should let Albertson's know how much they want that grocery store.

Simison: Okay. Council, anything else? Okay. Thank you very much. So, with that, Council, I will open this up for any further comments or a motion that people would like to make at this time.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for TECC-2020-0002.

Cavener: Second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After hearing all staff, applicant, and public testimony, I move that we approve an 18 month time extension for TECC-2020-0002 as presented in the staff report this evening. No. I -- yeah. This evening. October -- or September 29th. What month are we in? September 29th.

Cavener: Mr. Mayor, I will second that motion. In September.

Simison: I have a second. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll call: Bernt, yea; Borton, yea; Cavener, yea; Hoaglund, yea; Strader, yea; Perreault, yea.

Simison: All ayes. Motion carries and it is agreed to.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 11. Ordinance No. 20-1897: An Ordinance (H-2019-0027 – Delano Subdivision) For Annexation of a Parcel of Land Being a Portion of Lot**

3, Block 1 of Jasmine Acres, as Shown in Book 59 of Plats, at Page 5829, Ada County Records, and a Portion of the SE ¼ of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho as Defined in the Map Published Herewith; Establishing and Determining the Land Use Zoning Classification From RUT to R-8 (Medium Density Residential)(3.31 Acres), R-15 (Medium High Density Residential)(8.12 Acres), and R-40 (High Density Residential)(3.79 Acres) Zoning Districts; Providing That Copies of This Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing an Effective Date

Simison: Thank you, everyone, for being able to get some issues resolved around traffic and transportation in the area to the best of our ability. Our next action item is under Ordinances. Ordinance No. 20-1897. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. An Ordinance related to H-2019-0027, Delano Subdivision for annexation of a parcel of land being a portion of Lot 3, Block 1 of Jasmine Acres, as shown in Book 59 of Plats, at page 5829, Ada County Records, and a portion of the SE ¼ of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho as defined in the map published herewith; establishing and determining the land use zoning classification from RUT to R-8 (Medium Density Residential)(3.31 acres), R-15 (Medium High Density Residential)(8.12 acres), and R-40 (High Density Residential)(3.79 acres) zoning districts; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date.

Simison: Thank you, Mr. Clerk. Council, you have heard this item read by title. Is there anyone who would like it read in its entirety? If not do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm having a difficult time hearing, but it sounds like it's time to make a motion.

Simison: Yes.

Perreault: Okay. I will do so. I move that we approve Ordinance No. 20-1897 with suspension of rules.

Strader: Second.

Simison: I have a motion and a second to approve this item under suspension of the rules. Any discussion on the motion? If not, all those in favor signify by say aye. Opposed nay? The ayes have it.

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? If not, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

Simison: I have a motion and a second to adjourn the meeting. All those in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:38 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK